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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,018	02/26/2004	Russell Norman Owen	13210-24	3539
1059 7590 03/21/2008 BERESKIN AND PARR 40 KING STREET WEST BOX 401 TORONTO, ON M5H 3Y2 CANADA				
EXAMINER RICEK, JASON D				
ART UNIT 2142		PAPER NUMBER		
MAIL DATE 03/21/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/786,018

**Applicant(s)**

OWEN ET AL.

**Examiner**

JASON RECEK

**Art Unit**

2142

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 11, 12 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11, 12 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date 12/21/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

This is in response to the amendment filed December 21st 2007 which concerns application 10/786018.

### ***Status of Claims***

Claims 7-10 and 13-14 have been cancelled.

Claims 1-6, 11-12 and 15-17 are pending.

### ***Response to Arguments***

1. Applicant's arguments with respect to the rejection(s) of claim(s) 1-10 and 13-17 under 102(e) have been fully considered and are persuasive. Applicant argues that claim 1 specifically requires "**automatically** aggregating web services" (pg. 10). This argument is not persuasive because applicant is arguing features not in the claims. Nowhere in the language of claim one is it required that the web services are *automatically* aggregated. Applicant's argument that Stelting does not disclose generating a new user interface... after identifying said patterns, is persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Arellano et al. US 2004/0148334 A1.

2. Applicant's arguments with respect to the rejection(s) of claim(s) 11-12 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Arellano et al. US 2004/0148334 A1.

### ***Claim Objections***

3. Claim 6 is objected to because of the following informalities: the claim recites "receive said input data in the user" in line three. It is unclear what the term "user" refers to, if it refers to a user interface it should be spelled out, or perhaps applicant meant to say receive data *by* the user. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-17 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter. Regarding claims 15-16, although they are nominally directed to an apparatus, a review of the specification suggests that the various "means" of the claims are actually software. Therefore, it is a misnomer to say that the claim is directed to an apparatus when it is clearly directed to only software. Software is not patentable unless it is embodied on a statutory computer readable medium. Claim 17 is rejected because it includes transmission-type media (i.e., signals) within its scope. See specification paragraph 98.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 11-12 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Arellano et al. US 2004/0148334 A1.

Regarding claim 1, Arellano discloses "A method of aggregating web services" (paragraph 17), "receiving at least one web service description" ontology model (paragraph 22), "processing said at least one web service description" determining descriptions of web services (paragraph 22), "generating one or more user interfaces" the agent implements a GUI (paragraph 45), "providing said one or more user interfaces ... web services is invoked using input data obtained through said one or more user interfaces" as generating and using services (paragraph 50), "monitoring said input data obtained and said output data displayed ... to identify patterns ... suggest that a first web service ... is obtainable from out of a second web service" as a coordination platform that determines whether web services can be coordinated (paragraphs 30, 46, 51), and "generating a new user interface for said computing device after identifying

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said patterns" the coordination platform identifies the patterns (paragraph 51) and the user interface is updated according to the new service (paragraph 83).

Regarding claim 2, Arellano discloses "new user interface is adapted to display output data from said first web service" as updating the web service (paragraph 83, Fig. 6).

Regarding claim 3, Arellano discloses "generating code for said user interface" as source code (paragraph 31).

Regarding claim 4, Arellano discloses "transmitting said code from said storage device to said computing device" as reading the code from the medium (paragraph 31).

Regarding claim 5, Arellano discloses "executing said code" as execution of code (paragraph 31).

Regarding claim 6, Arellano discloses "new user interface is adapted to prompt for input data and receive said input data in the user of said new user interface for invoking said second web service" as coordinating execution of multiple services (paragraph 69).

Regarding claim 11, Arellano discloses "detecting instances where said input data obtained through said one or more user interfaces matches output data displayed" as dynamically coordinating execution of multiple services (paragraph 69) with user interfaces (paragraph 83).

Regarding claim 12, Arellano discloses "detecting instances in which selected data from output data displayed ... is copied to an input field" providing a service to a user and using data obtained to implement another service (paragraph 82).

Regarding claim 15, it is an apparatus claim that corresponds to the method of claim 1, it is therefore rejected for the same reasons.

Regarding claim 16, Arellano discloses "a mobile device" as a PDA (paragraph 83).

Regarding claim 17, it is a medium claim that corresponds to the method of claim 1, it is therefore rejected for the same reasons.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Proteus: A System for Dynamically Composing and Intelligently Executing Web Services" discloses dynamically integrating web services.

Perham et al. US 2005/0086330 A1 discloses dynamic personalization of web services that is done automatically.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON RECEK whose telephone number is (571)270-1975. The examiner can normally be reached on Mon - Thurs 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Recek/  
Examiner, Art Unit 2142  
(571)-270-1975

/Andrew Caldwell/  
Supervisory Patent Examiner, Art Unit 2142